

## **REMARKS**

Favorable reconsideration and allowance of this application are requested.

### **1. Request for Continued Examination**

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the September 22, 2010 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

### **2. Discussion of Amendments**

By way of the amendment instructions above, pending independent claim 15 has been revised so as to further specify that the antifreeze composition also contained up to 1% by weight of one or more alkali metal silicates. Support for such amendment is prior claim 19, component (c), which claim has also been amended so as to delete reference to "alkali metal silicates" therefrom so as to avoid redundancy.

Claim 21 has been amended so as to remove "sodium metasilicate" therefrom, but has been re-presented as new claim 29.

Therefore, following entry of this amendment, claims 15 and 18-23 and 29 will remain pending herein for consideration.

### **3. Response to 35 USC §§102/103 Rejection**

The only issue to be resolved in this application is the Examiner's rejection of all prior pending claims 15 and 18-23 under 35 USC §102(b) as allegedly anticipated by, or under 35 USC §103(a) as allegedly obvious over, Meszaros et al (USP 6,080,331).<sup>1</sup>

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<sup>1</sup> The Examiner continues to incorrectly cite this reference as "6,080,330".

Applicants respectfully submit that the claims presented above patentably define the present invention over Meszaros et al.

In this regard, according to present claim 15 submitted above, the aqueous antifreeze composition is now required to comprise up to 1% by weight of alkali metal silicates. As can be seen from the abstract of Meszaros et al, the antifreeze compositions disclosed therein are required to be *silicate-free*.

Accordingly, Meszaros et al can neither anticipate nor render obvious the presently claimed invention.

Applicants maintain therefore that WO-A 01/05906 "WO '906") of record herein is more relevant than Meszaros et al since there is no emphasis on silicate-free compositions therein. Moreover, a comparative composition corresponding to Example 2 of WO '906 is already available in the present application. Specifically, Example 2 of the WO '906 publication is compared with the composition of the present invention. In that example a linear aliphatic monocarboxylic acid as well as a dicarboxylic acid are used so that this example is more closely related to the present invention than any of the examples of Meszaros et al. In comparison with Example 2 of the WO '906 publication, it is already demonstrated (see Table 2 on page 12 of present application) that compositions of the present invention have a better appearance when used as cooling composition (see last line of Table 2).<sup>2</sup>

For the reasons noted above and the reasons already advanced during prosecution to date, applicants submit that all pending claims herein are in condition for allowance. Such favorable action is therefore solicited.

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<sup>2</sup> For more discussion on this issue, the Examiner's attention is again directed to pages 9-10 of Applicants' Appeal Brief dated June 3, 2009.

**4. Supplemental information Disclosure Statement**

The Examiner's attention is directed to the Supplemental Information Disclosure Statement being filed concurrently herewith. Consideration of the information cited therein is requested.

**5. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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